

Notice of Allowability

Application No.

10/092,681

Examiner

Daniel A Hess

Applicant(s)

LASCH ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 10/24/2003.
2. ☒ The allowed claim(s) is/are 1-47.
3. ☒ The drawings filed on 07 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Art Unit: 2876

EXAMINER'S AMENDMENT / REASONS FOR ALLOWANCE

Remarks

Receipt is acknowledged of an amendment on 10/24/2003, which has been placed in the file of record, and to which this action is a reply.

Receipt is also acknowledged of a terminal disclaimer, which associates this patent with US 6,581,839 to the same inventor of the instant invention.

The instant case is allowable for reasons similar to the reasons for allowance supplied in US 6,581,839; the instant case has been amended such that each claim includes subject matter that was indicated as allowable in that case.

Examiner's Amendment

Lines 1 and 2 of the section "Cross Reference to Related Applications" (page 1, lines 7 and 8) have been amended to read,

" The present application is a continuation-in-part application of U.S. Patent Application No. 10/062,106, filed January 31, 2002, which is a "

Reasons for Allowance

Claims 1-47 are allowed.

The following is an examiner's statement of reasons for allowance:

Art Unit: 2876

Each independent claim includes the limitation, in some form, that every point of the a transparent or translucent card has in some layer an infrared blocking material that is machine recognizable. The merits of this limitation have been examined and prosecuted at some length in application serial no. 09/653,837, now US Patent no. 6,581,839.

For a further explanation of the reasons that this case is being allowed, it is therefore advised that one study the prosecution history of the above application. The following is a relevant excerpt taken from the "Reasons for Allowance" in the above case.

The prior art, taken alone or in combination, fails to teach or fairly suggest: A card having a translucent or transparent card surface, having a machine recognizable infrared blocking compound thereon such that the card is capable of blocking infrared light at substantially all points on the card when it is inserted into a card reading machine.

Although a transparent cards with infrared blocking material located thereon are taught in the prior art, these cards employ the infrared blocking material in a particular code pattern and not so as to cover the entire card. Rudland (EPO 0 343 829) is an exemplary example where a card that can be transparent to visible light contains areas opaque to infrared light (see abstract) which though hidden from the eye, can be read in a code reader.

Because the card of Rudland uses the infrared portion for encoding purposes, one of ordinary skill in the art would not have been motivated, at the time the invention was made, to modify the card so that the infrared blocking material covers the entire card surface because in fact this modification would destroy the coding of the card. This modification would prevent the card from having the zones characterized by having a presence or absence of infrared blocking material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 2876

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (703) 305-3841. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F. **Please note: after January 14, 2004 the examiner can be reached at a new number -- (571)272-2392.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


DH

Daniel A Hess
Examiner
Art Unit 2876


P.E.